

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

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UNITED STATES OF AMERICA,

Plaintiff,

ORDER

04-cr-177-bbc

v.

DAVID MARTIN,

Defendant.

- - - - -

David Martin has filed a request to have the court run a state sentence concurrently with a federal sentence he is now serving. He does not identify the state sentence but the omission is immaterial. Once his federal sentence was imposed in 2005, it became final and this court lost its authority to change it. A sentence may be changed in only three circumstances: (1) the government were to move for a reduction under Fed. R. Crim. P. 35(b); (2) the sentencing commission were to enact a change in the sentencing guidelines that would affect defendant's sentence; or (3) the court of appeals were to overturn his sentence and return the case to this court for re-sentencing. None of those circumstances exist in his case.

ORDER

IT IS ORDERED that defendant's request for a change in his sentence to have his state sentence run concurrently with his federal sentence is DENIED.

Entered this 29th day of July, 2008.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge